

**TITLE V: PUBLIC WORKS**

Chapter

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- 52. SEWERS
- 53. ON-SITE SEWAGE DISPOSAL SYSTEMS

**CHAPTER 50: [RESERVED]**

(Previous chapter repealed on 4-16-02)

**CHAPTER 51: WATER**

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#### ***Statutory reference:***

*Municipal water systems, R.S.A. Ch. 38*

## **WATER WORKS DEPARTMENT**

### **§ 51.001 DEPARTMENT ESTABLISHED.**

Pursuant to Charter § 3.02 there is established a Water Works Department.

(Ord. passed 11-4-98)

### **§ 51.002 DEPARTMENT HEAD.**

The department head shall be the Water Works Director who shall be appointed as provided by Charter § 3.03.

(Ord. passed 11-4-98)

## **WATER USAGE REGULATIONS**

### **§ 51.01 CONTRACTUAL NATURE OF REGULATIONS.**

The regulations adopted by the Water Commissioners shall be considered a part of the contract with every person who takes city water, and every such person by taking the water shall be considered to express his consent to be bound thereby. They shall be printed upon every bill for water rent, and whenever any one of them is violated, although two or more parties may receive water through the same pipe, the water shall be cut off, and shall not be let on again except by the order of the Board and the payment of a fee as determined by the Board of Water Commissioners, and in case of any such violation, the Board shall have the right to declare any payment made for water, by the person committing such violation, to be forfeited, and the same shall thereupon be forfeited.

('71 Code, § 26-23) (Am. Ord. passed 10-26-65; Am. Ord. passed 6-6-78) Penalty, see § 10.99

### **§ 51.02 RECORDS OF CONSUMERS.**

The Water Works Director shall keep suitable books, in which shall be entered the names of all persons who take water, the kind of building, the name and number of the street, the nature of the use, the number of takers, the amount charged, and amounts of abatements, which shall always be open to the inspection of the Water Commissioners and any committee of the Board of Mayor and Aldermen.

('71 Code, § 26-21) (Am. Ord. passed 11-4-98)

### **§ 51.03 RESPONSIBILITY FOR MAINTENANCE.**

All persons taking the water shall keep the service pipes within their premises in good repair, and protected from frost, at their own expense, and they will be held liable for all damage which may result from their failure to do so. All repairs upon meters made necessary by the negligence of a building owner or occupants shall be made under the superintendence and direction of the Board of Water Commissioners and at the expense of the building owner.

('71 Code, § 26-24) (Ord. passed 10-26-65) Penalty, see § 10.99

### **§ 51.04 WASTING WATER; CONCEALING USE.**

All users of city water shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used.

('71 Code, § 26-25) (Ord. passed 10-26-65) Penalty, see § 10.99

**§ 51.05 DAMAGING, TAMPERING WITH FACILITIES.**

No person shall injure any public pipe or reservoir, or other property connected with the waterworks, or break and enter the same, or draw-off, or cause to be removed, any of the water therefrom, or shall turn on or off the water in any such water pipe or reservoir, or remove the cover of any hydrant, except in case of fire, without permission from the Board of Water Commissioners or by authority of the Board of Mayor and Aldermen.

('71 Code, § 26-26) Penalty, see § 10.99

**§ 51.06 ALTERATIONS OR EXTENSIONS OF CITY FACILITIES ON PRIVATE PLUMBING.**

No alterations shall be made in any of the pipes or fixtures inserted by the city, except by its agents, who are to be allowed to enter the premises supplied, to examine all apparatus, and ascertain whether there is any unnecessary waste. All alterations and extensions of pipes in a house shall be made in accordance with the applicable plumbing code under the jurisdiction of the Building Department.

('71 Code, § 26-27) (Ord. passed 10-26-65; Am. Ord. passed 11-4-98) Penalty, see § 10.99

**§ 51.07 SUPPLYING UNAUTHORIZED CONSUMERS.**

No water is allowed to be supplied to parties not entitled to the use of it under the city ordinances, unless by special permission.

('71 Code, § 26-28) (Ord. passed 10-26-65) Penalty, see § 10.99

**§ 51.08 REGULATIONS GOVERNING INTRODUCTION, USE OF WATER.**

The Board of Water Commissioners shall have the power to establish such regulations as it may deem expedient for the introduction and use of water, and the water shall not be applied to any building unless the pipes and fixtures shall be conformable to such regulations.

('71 Code, § 26-29)

**§ 51.09 POLICE TO REPORT LEAKS AND VIOLATIONS.**

It shall be the duty of the police of the city to report to the Mayor all cases of leakage, waste, or unnecessary profusion in the use of water, and all violations of the ordinances relating to the supply of water

that may be brought to their notice.

('71 Code, § 26-30)

### ***RATES AND CHARGES***

#### **§ 51.20 ESTABLISHMENT OF RATES.**

The Board of Water Commissioners is authorized to determine and establish, from time to time, a tariff of water rates.

('71 Code, § 26-15)

#### **§ 51.21 REVISION OF RATES.**

The Board of Water Commissioners shall readjust the water rates so that the receipts are equal, as near as practicable, to the interest on the cost of the works and the current expenses of the same, such tariff of revised rates to take effect at the next payment thereafter.

('71 Code, § 26-16)

#### **§ 51.22 DISPOSITION OF RECEIPTS.**

All moneys received on accounts of the waterworks shall be paid weekly, or more often, into the city treasury and a receipt taken for the same.

('71 Code, § 26-17)

#### **§ 51.23 WHEN CHARGES PAYABLE.**

The rent for the use of water shall be payable in arrears either monthly or quarterly. Charges for specific supplies shall be payable in advance and before the water is put on.

('71 Code, § 26-18) (Ord. passed 11-4-98)

#### **§ 51.24 DISCONTINUING SERVICE FOR NONPAYMENT.**

In all cases of nonpayment of the water rent in 30 days after the same is due, the Water Works Director shall cut off the supply; and the water shall not again be let on except upon the payment of the sum fixed by the

Board of Water Commissioners, and not for the same occupant or owner except upon the payment also of the whole amount due; provided, that in case of specific supplies, or for fractional parts of the year when the water has been let on, it may be cut off immediately after notice given at the place that the rent is not paid, and may be let on again upon the conditions before mentioned. The foregoing provisions shall apply when two or more parties take the water through the same service pipes, although one or more may have paid the proportion due from him or her.

('71 Code, § 26-19) (Am. Ord. passed 10-26-65; Am. Ord. passed 6-6-78; Am. Ord. passed 11-4-98)

#### **§ 51.25 ABATEMENTS IN CHARGES.**

The Water Works Director, under the direction of the Board of Water Commissioners, may make abatements in the water rents in all proper cases.

('71 Code, § 26-20) (Am. Ord. passed 11-4-98)

### **BOARD OF WATER COMMISSIONERS**

#### **§ 51.40 MANAGEMENT VESTED IN BOARD.**

The management of the city waterworks shall be vested in seven persons, to be titled the Board of Water Commissioners, consisting of the mayor ex officio, and six other persons, one of whom shall go out of office on the first Tuesday of January in each year.

('71 Code, § 26-1)

#### **§ 51.41 APPOINTMENTS TO BOARD.**

Members of the Board of Water Commissioners shall be appointed as provided by Charter § 3.14.

('71 Code, § 26-2) (Ord. passed 11-4-98)

#### **§ 51.42 ALDERMAN NOT TO BE COMMISSIONER.**

No member of the Board of Mayor and Aldermen shall be elected a member of the Board of Water Commissioners.

('71 Code, § 26-3)

#### **§ 51.43 CONFLICTS OF INTEREST.**

No member of the Board of Water Commissioners, and no person appointed to any office, or employed by virtue of this chapter or of any act of the legislature, shall be interested, directly or indirectly, in any contract, bargain, sale, or agreement in relation to the waterworks, or any matter or thing connected therewith wherein the city is interested, and any and all contracts, bargains, sales, or agreements made in violation of this section shall be utterly void as to the city. Nothing in this section shall prohibit the use of the water to any person by paying the established rates therefor.

('71 Code, § 26-4) Penalty, see § 10.99

#### **§ 51.44 OFFICERS OF THE BOARD.**

The President of the Board of Water Commissioners shall be elected by the Board, and shall be one of the six persons mentioned in § 51.40. The Commissioners may choose a clerk.

('71 Code, § 26-5)

#### **§ 51.45 ANNUAL REPORT OF BOARD.**

The Board of Water Commissioners, on or before January 1 in each year, shall present to the Board of Mayor and Aldermen a report containing a statement of the condition of the waterworks and of the lands and other property connected therewith, with an account of all receipts and expenditures, together with any information or suggestions which they may deem important, and they shall at the same time transmit to the Board of Mayor and Aldermen the report of the Director or other officers of whom reports are required.

('71 Code, § 26-6) (Am. Ord. passed 11-4-98)

#### **§ 51.46 DUTIES OF PRESIDENT; PRESIDENT PRO TEM.**

The President of the Board of Water Commissioners shall exercise a general supervision over all the waterworks, and the materials and property connected therewith, and over all subordinate officers and agents. In case of his absence or disability, his duties shall be performed by a President Pro Tempore, to be chosen by the Board.

('71 Code, § 26-7)

**§ 51.47 REGULATIONS RELATING TO OFFICERS APPOINTED BY THE BOARD.**

The Board of Water Commissioners may make such rules and regulations for their own government, in relation to officers appointed by them, as it may deem expedient.

('71 Code, § 26-8)

**§ 51.48 GENERAL POWERS AND DUTIES OF THE BOARD.**

The Board of Water Commissioners, so constituted and organized, shall have and exercise all the powers vested in the city by an act of the legislature of the state, approved on June 30, A.D. 1871, entitled, "An act to enable the City of Manchester to construct waterworks," so far as the same shall be legally delegated to them by the Board of Mayor and Aldermen; and they shall have power to appoint a Director, and all subordinate agents and assistants, and may fix their compensation and that of the clerk before mentioned. They shall proceed as early as practicable to construct adequate waterworks; provided, that no expenditure shall be made or work contracted for, exceeding in the whole the sum appropriated therefor by the Board of Mayor and Aldermen; but all the powers mentioned in this section shall be subject to any limitations and restrictions contained in the ordinances, regulations, and orders of the Board of Mayor and Aldermen.

('71 Code, § 26-9) (Am. Ord. passed 11-4-98)

**§ 51.49 RIGHT OF ENTRY OF PERSONNEL.**

The Water Works Director, with the necessary agents and assistants, may enter the premises of any water taker to examine the quantity used, and the manner of use, and to cut off the water for nonpayment of rents or fines for any violation of this chapter or the rules of the Board of Water Commissioners.

('71 Code, § 26-10) (Ord. passed 10-26-65; Am. Ord. passed 11-4-98)

**§ 51.50 POWER TO MAKE REPAIRS AND IMPROVEMENTS; APPROVAL BY HIGHWAY DEPARTMENT.**

The Board of Water Commissioners shall have full power to make all necessary repairs, extensions, or improvements on said works, and to provide new supply pipes; all hydrants established by the city shall be constructed, and all repairs upon such hydrants made, and the streets, if broken up, again put in good order, to the satisfaction of the Department of Highways by and under the direction of the Board.

('71 Code, § 26-11)



### **§ 51.51 EXPENDITURES OF BOARD.**

All bills for expenditures for the waterworks shall be approved by the Board of Water Commissioners, or by some person by it designated, examined by the City Auditor, and allowed by the Committee on accounts, before they are paid by the Treasurer.

('71 Code, § 26-12)

### **§ 51.52 SALE OF PERSONAL PROPERTY.**

The Board of Water Commissioners is authorized to sell such of the personal property connected with the waterworks as it may deem expedient, subject to the approval of the Mayor; and all necessary papers shall be executed by the Mayor.

('71 Code, § 26-13)

### **§ 51.53 GENERAL DUTIES OF DIRECTOR; ANNUAL REPORT.**

The Water Works Director shall take charge of the aqueduct, lands, reservoirs, and other works and property connected with the waterworks, as the Board of Water Commissioners may from time to time direct; he shall perform all such services in relation thereto as may be required of him by said Board, and shall annually, on or before January 1 present to the Board a report of the general condition of the works, a statement of the receipt and expenditures, the number of water takers, the number of cases in which the water has been cut off, the number and amount of abatements, and such other matters as he or the Board of Water Commissioners may deem expedient.

('71 Code, § 26-14) (Am. Ord. passed 11-4-98)

## **CHAPTER 52: SEWERS**

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**GENERAL REGULATIONS**

**§ 52.001 PURPOSE.**

In order to insure proper removal and disposal of sewage wastes and wastewaters within the city; to insure the proper operation and maintenance of public sewers, drains, sewage treatment plants, and other drainage or sewerage works within the city; and to provide for keeping adequate records of sewers, drains, and appurtenances and connections thereto; the following chapter regulating the construction, use, repair, alteration and discontinuance or abandonment of sewers, drains, and appurtenances; the connections thereto, including drains and pipe substances to be discharged directly or indirectly into and through sewers, drains, and appurtenances of the public sewerage system and storm drainage system of the city is hereby enacted by the city, Board of Mayor and Aldermen, and provided by the Charter of the city including special acts approved by the state legislature and by the laws of the state of New Hampshire.

(Ord. passed 1-17-95)

**§ 52.002 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASTM.** The American Society for Testing and Materials.

**B.O.D. (BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° Centigrade expressed in parts per million by weight, as determined by Standard Methods.

**BUILDING CONNECTION.** A pipe connecting a public sewer with a building for the purpose of conveying sewage of any kind from said building (measured from outside face of building wall) to the public sewer.

**BUILDING DRAIN.** A sewer provided for the conveyance of stormwater, groundwater, or other waters as may be approved from a building to a storm drain or other conveyance excluding sanitary sewers.

**BUILDING SEWER.** That part of the lowest horizontal piping of a sanitary wastewater system which receives the discharge from soil, waste, and other sanitary pipes inside the walls of the building and conveys it to the building connection outside of the building wall.

**CATEGORICAL PRETREATMENT STANDARDS.** Any regulation containing pollutant discharge limits promulgated by EPA under the Clean Water Act, applicable to a specific category of industrial users, and which are found in the Code of Federal Regulations, 40 CFR, Subchapter N, Parts 401 through 471.

**CHIEF SANITARY ENGINEER.** The duly authorized representative in responsible charge of the Environmental Protection Division of the Department of Highways, or his duly authorized representative.

**CHLORINE DEMAND.** The amount of chlorine, expressed in parts per million by weight, that is required to produce a residual of 0.5 parts per million of chlorine after 30 minutes contact of chlorine with sewage, as determined by Standard Methods.

**CITY.** Or any other word in common usage designating a legally constituted unit of local government, shall mean the City of Manchester, New Hampshire.

**C.O.D. (CHEMICAL OXYGEN DEMAND).** A measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, as determined by "Standard Methods for Examination of Water and Wastewater."

**COMBINED SEWER.** A sewer intended to receive both sewage and storm or surface water.

**COMMERCIAL ESTABLISHMENT.** For billing purposes shall mean any business or professional concern which provides a service and shall include any such concern occupying one or more rooms for the sole purpose of conducting a business in a building with available sanitary facilities whether such facilities are located within the space occupied by such concern or elsewhere in the building.

**COMMISSION.** The Highway Commission of the City of Manchester, New Hampshire.

**CONTRACTOR.** Either an individual, partnership, or corporation and the proper agents and representatives thereof, approved by the Commission and the Public Works Director and to whom the Department, acting through the Public Works Director, shall have issued an authorization to install and repair sewers, during the period when such authorization is valid.

**DEPARTMENT.** The Department of Highways of the City of Manchester, New Hampshire.

**DWELLING UNIT.** A single living quarter, arranged for the use of one or more individuals, with

cooking, living, sanitary, and sleeping facilities.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**GARBAGE.** The animal and vegetable wastes from the preparation, cooking, and dispensing of food and from handling, storage, and sale of produce.

**GARBAGE DISPOSAL UNIT.** A mechanical device used for the grinding, shredding, or macerating of food products preparatory to disposal thereof into the public sewerage system and intended for installation and service for such purposes in any building or structure.

**GREASE.** Volatile and nonvolatile residual fats, oils, fatty acids, soaps, waxes, mineral oils, and other similar materials.

**GREASE, OIL, AND/OR SAND INTER-CEPTOR.** A device which receives oil, grease, sand, and other harmful or hazardous substances to the POTW. Receives drainage from fixtures and equipment having grease laden wastes from food preparation areas or from vehicle or equipment repair facilities or factories where oily or flammable liquid wastes are likely to be present. Prevents heavy solids such as sand or rags from entering the sewer.

**HUMAN EXCREMENT (PUTRESCIBLE MATERIAL).** And other putrescible material shall mean liquid or solid waste matter discharged from the intestinal canal of man or other liquid or solid waste materials which are likely to undergo bacterial decomposition; provided, however, that these terms shall not include garbage as defined elsewhere in this section.

**INDUSTRIAL ESTABLISHMENT.** For purposes of billing, shall mean any business concern which manufactures or produces a product.

**INDUSTRIAL SEWAGE or INDUSTRIAL WASTEWATER.** The wastewater from industrial processes, trade, or business as distinct from sanitary sewage or unpolluted waters.

**INDUSTRIAL USER.** Any person contributing industrial wastewater or any nondomestic source of pollutants into the POTW.

**INSPECTOR.** The person, or persons, duly authorized by the Department of Public Works Director to inspect and approve the installation of building sewers and their connection to the public sewerage system.

**INTERFERENCE.** A discharge which, alone or in conjunction with the wastewaters from other sources, inhibits or disrupts the sewage treatment plant, its treatment processes or operations, or its sludge processes, use or disposal and therefore is a cause of a violation of:

(1) The sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in accordance with groundwater protection rules, WS 410, solid waste rules, Env-Wm-100-2800, hazardous waste rules, Env-Wm 1000 and Appendix III.

(2) The Clean Water Act, The Toxic Substance Control Act, the Marine Protection Research and Sanctuaries Act, the Clean Air Act, the Solid Waste Disposal Act and the Resource Conservation and Recovery Act.

(3) The 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal, or of any regulation or permits issued under these standards.

**MAY.** Is permissive.

**MULTIPLE DWELLING UNITS.** Buildings or structures comprising two or more dwelling units.

**NATURAL OUTLET.** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, or other body of surface or groundwater.

**NEW SOURCE.**

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or,

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,

(c) The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a **NEW SOURCE** if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this subsection as commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly, or installation of facilities or equipment, or significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

**NPDES PERMIT.** The National Pollutant Discharge Elimination System Permit.

**OWNER.** Both the owner of fee in any real estate and all tenants, lessees or other in control, or

possession and use, of the property in question, or having any interest therein, and his, her, its or their agents, or representatives, as the interest, duties, powers or liabilities of each may be.

**PASS-THROUGH.** The discharge of pollutants through the sewage treatment plant into waters of the U.S. in quantities or concentrations, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

**PERMITTEE.** Any person, establishment, firm, corporation, municipal subdivision, or institution granted a permit under this chapter by the Public Works Director of the Department of Highways of the city.

**PERSON.** Any individual, establishment, firm, company, association, corporation, governmental authority, legal entity, or other group.

**pH.** The logarithm of the reciprocal of hydrogen ion concentration in gram equivalents per liter of solution.

**PIPE LAYER.** Any person in the business of, and certified by the Department for laying building connections from existing public sewers to the building sewer of residential, commercial, or industrial buildings, and similar structures and properties.

**PRETREATMENT REQUIREMENT.** Any substantive requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARDS.** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**PRIVATE SEWER.** All sewers other than public sewers.

**PROPERLY SHREDDED GARBAGE.** Garbage that has been shredded to such a degree that all particles will be carried freely in the public sewers.

**PUBLIC SEWER.** The main line of pipe or conduit, owned, controlled, and maintained by the city for the conveyance of waste or sewage from several properties, and shall not be understood to include building connections or private sewers, which are maintained by the owners of the properties using them.

**PUBLIC WORKS DIRECTOR.** The Public Works Director of the Department of Highways of the City of Manchester, New Hampshire, or his authorized deputy, agent or representative.

**POTW, (PUBLICLY OWNED TREATMENT WORKS).** The treatment works owned by the city. This includes any devices used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances that convey wastewater to the treatment plant. The term also means the city which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

**RESIDENTIAL.** Buildings intended for providing full-time living accommodations as opposed to commercial or industrial establishments.

**SANITARY SEWAGE OR SANITARY WASTEWATER.** Normal water-carried household and toilet wastes or wastewater from sanitary conveniences of residences, commercial establishments, industrial plants or



institutions, excluding ground, surface or storm water, and industrial wastewater.

***SANITARY SEWER.*** A sewer intended to convey sanitary sewage or industrial sewage from residences, commercial or industrial establishments together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

***SCREENING LEVEL.*** Concentrations above which a particular pollutant is expected to cause problems due to health, flammability, chemical reactivity, or organic/solids loading in the POTW.

***SEPTAGE.*** Any liquid or solid (sludge or scum) pumped from chemical toilets, vaults, septic tanks, or cesspools into which have been received only sanitary wastewaters.

***SEPTAGE TRUCK.*** Any watertight vehicle which is used for the collection and hauling of septage from septic tanks, vaults, and chemical toilets or cesspools, or industrial or commercial wastewaters from industrial pretreatment facilities, and complies with the regulations of the New Hampshire Department of Environmental Services.

***SEPTIC TANK.*** An approved type of watertight compartment made of concrete or other approved material into which the outflowing domestic wastewater from dwellings or other buildings may be discharged.

***SERVICE CHARGE.*** A basic charge for the convenience and availability of sewage disposal service.

***SEWAGE or WASTEWATER.*** A combination of the liquid and water-carried wastes discharged from residences, businesses, institutions, and industrial establishments.

***SEWAGE TREATMENT PLANT or WASTEWATER TREATMENT FACILITY.*** Any arrangement of devices and structures used for treating sewage or for the control of water pollution.

***SEWAGE WORKS or SEWERAGE SYSTEM.*** All public facilities for collecting, pumping, treating, and disposing of sewage and for the control of water pollution.

***SEWER.*** The main pipe or conduit, manholes, and other structures and equipment appurtenance thereto, provided to carry sewage, industrial wastes, or storm water, cooling water, similar wastes, subject in each particular case to the purpose and limitations imposed upon the particular pipe or conduit.

***SEWER RENTAL CHARGE.*** A charge for defraying the capital and operation/maintenance costs of the sewerage system. Said charge consists of a service charge and usage charge.

***SEWER IMPROVEMENT AREA.*** The span of land listed below, as requiring a major expansion or upgrading of the current sewer system serving the area to allow continued or expanded development. Each sewer improvement area, within which new construction is proposed, will require an off-site sewer improvement cost recovery fee. The following areas have been identified as ***SEWER IMPROVEMENT AREAS***:

(1) Wellington Hill Area, which is generally defined as being located north and east of Interstate 93/Route 101, west of approximately Linda Lane and southerly of Leda Avenue, except the property owned by Digital Equipment Corporation, as more particularly defined on a plan on file at the Department.

(2) Youngsville Area, which is generally defined as being north of Proctor Road; west of the Boston & Maine Railroad, southerly of Groveland Avenue and easterly of Route 101, as more particularly

defined on a plan on file at the Department.

(3) Hackett Hill Road Area, which is generally defined as being northerly of Dunbarton Road and the Dunbarton Road Sanitary Landfill, westerly of the Goffstown/Manchester town line, southerly of the Hooksett/Manchester town line, and easterly of the Merrimack River, as more particularly defined on a plan on file at the Department.

***SHALL.*** Is mandatory.

***SIGNIFICANT INDUSTRIAL USER.***

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; and,

(2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

***SIGNIFICANT NONCOMPLIANCE.***

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

(2) Technical review criteria (TRC) violation, defined here as those in which 33% or more of wastewater measurement taken for each pollutant parameter during a six month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) For continuous pH monitoring, excursions shall be considered SNC when:

(a) The total time during which the pH values are outside the required range of pH values exceeds seven hours and 26 minutes in any calendar month; or,

(b) An individual excursion from the range of pH values exceeds 60 minutes.

(c) An excursion occurs which the city believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment personnel or the general public.

(4) Any other discharge violation that the Public Works Director believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.

(5) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of emergency authority to halt or prevent such a discharge.

(6) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(7) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, reports on compliance with compliance schedules, and permit applications.

(8) Failure to accurately report noncompliance.

(9) Any other violations which the Public Works Director determines will adversely affect the operation of implementation of the local pretreatment program.

**SLUG.** Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during normal operation, or which shall adversely affect the collection system and/or performance of the POTW.

**STANDARD METHODS.** The latest approved edition of “Standard Methods for the Examination of Water and Wastewater” as published by the American Public Health Association.

**STORM DRAIN or DRAIN.** A sewer provided and intended for the conveyance of storm water, groundwater, subsurface water, or other waters as may be approved for any particular drain, but excluding sewage or contaminated industrial wastewaters.

**STORM WATER.** The runoff or discharge of rain and melted snow or other water from roofs, surfaces of public or private lands or elsewhere.

**SUBSOIL DRAINAGE.** Water from soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.

**SUSPENDED SOLIDS (SS).** The solids that either float on the surface of, or are suspended in water, sewage or other liquids; and which are removable by laboratory filtering, as determined by Standard Methods.

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**USAGE CHARGE.** A charge based on the volume and strength of wastewater discharge.

**USAGE CHARGE FORMULA.** The following formula to be used in computing the usage charge portion of the sewer rental charge as provided in this chapter:

$C = Vc (Vu/1000) + Bc (Bu/100) + Sc (Su/100)$ , where:

C = the usage charge for the billing period.

Vc = the unit cost for the treatment per 1000 gallons of water: water volume at the rate specified in § 52.160.

Vu = the volume in gallons of wastewater discharged during the billing period.

Bc = the unit cost for the treatment per 100 pounds of BOD at the rate specified in § 52.160.

Bu = the BOD content in pounds of wastewater discharged during the billing period.

Sc = the unit cost for the treatment per hundred (100) pounds of suspended solids at the rate specified in § 52.160.

Su = the suspended solids content in pounds of wastewater discharged during the billing period.

***WATERCOURSE.*** A natural or artificial channel for the passage of water either continuously or intermittently.

***WSPCD.*** The Water Supply and Pollution Control Division of the NH Department of Environmental Services.

(Ord. passed 1-17-95; Am. Ord. passed 1-7-97)

### **§ 52.003 INTERPRETATION OF PROVISIONS.**

The provisions of this chapter with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Public Works Director acting in and for the city, through its Highway Commission.

(Ord. passed 1-17-95)

### **§ 52.004 UNLAWFUL DEPOSITS AND DISCHARGES.**

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or any area under the jurisdiction of the city, any human or animal excrement, garbage, or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial sewage, or other contaminated or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.005 SPECIFICATIONS OF PUBLIC SEWERS AND DRAINS.**

Public sewers and drains shall meet all applicable requirements of the standard specifications of the Department and this chapter and the requirements of the WSPCD.

(Ord. passed 1-17-95)

**§ 52.006 PRIVATE SEWAGE.**

(A) *Private sewage pumping stations.*

(1) *Standard specifications.* Private sewage pumping stations shall meet all applicable requirements of the “Standard Specifications of the Department,” the Department's Policy on Private Sewage Pump Stations, the New Hampshire Water Supply and Pollution Control Division, and this chapter. Plans and specifications, including shop drawings, of all items to be furnished shall be submitted to the Public Works Director and the New Hampshire Water Supply and Pollution Control Division for approval. Plans and specifications for a proposed private sewage pumping station shall be the result of the design of a professional engineer licensed in the state of New Hampshire. This does not include individual grinder pumps.

(2) *Owner responsibility.* The owner shall retain sole responsibility for the regular inspection, maintenance, service, and repair of all private sewage pumping stations. All costs inherent to such services shall be borne by the owner. The Department shall be allowed access to all private sewage pumping stations for periodic inspection.

(3) *Repairs and maintenance.* Any repairs to the private sewage pumping station deemed necessary by the Public Works Director shall be completed in a reasonable time with the total cost borne by the owner. A reasonable time period shall be understood to mean 30 calendar days unless otherwise directed by the Public Works Director. If said repairs are not made as directed, the Department shall cause the work to be completed and appropriate charges made to the owner.

(B) *Private sewage treatment plants.*

(1) *Specifications.* Private sewage treatment plants shall meet all applicable requirements of the “Standard Specifications of the Department” and this chapter. Plans and specifications of all items to be furnished shall be submitted to the Public Works Director and the New Hampshire Water Supply and Pollution Control Division for review and approval. No construction of such facilities shall be commenced until said approvals are obtained in writing. Plans and specifications for a proposed private sewage treatment plant shall be the result of the design of a professional engineer licensed in the state of New Hampshire. Upon completion of construction, certification by a professional engineer must be submitted to the Department certifying that the plant was built in accordance with the approved plans and specifications. All structures shall be designed in such a manner to withstand degradation from a moist environment. Treatment plants shall be so located as to be protected against damage from 100-year frequency floods. Treatment plants shall be readily accessible on a year-round basis and be suitably fenced around the perimeter, as required.

(2) *Owner responsibility.* The owner shall retain sole responsibility for the regular operation, inspection, maintenance, service, and repair of all private sewage treatment plants. All costs inherent to such services shall be borne by the owner. The Department shall be allowed access to all private sewage treatment plants for periodic inspection and sampling.

(3) *Repairs and maintenance.* Any repairs to the private sewage treatment plant deemed necessary by the Public Works Director shall be completed in a reasonable time with the total cost borne by the

owner. A reasonable time period shall be understood to mean 30 calendar days unless otherwise directed by the Public Works Director.

(Ord. passed 1-17-95) Penalty, see § 52.999

## **USE OF PUBLIC SEWERS**

### **§ 52.020 CONNECTION TO PUBLIC SEWER REQUIRED.**

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or in the future may be located a public sewer of the city, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided that said public sewer is accessible and available within 100 feet of said owner's building, as determined by the Public Works Director.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.021 SEWERS FOR INTENDED USERS ONLY.**

No person shall discharge into or put into any public sewer or drain of the city, or into any sewer, drain, or fixture which thereafter discharges into any public sewer, drain, or appurtenance thereof, any waste or substance other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular sewer, drain, or appurtenance is intended, designed, or provided.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.022 APPLICABLE PERMITS REQUIRED.**

No person shall discharge into or put into any public sewer or drain of the city, or into any sewer, drain, or fixture which thereafter discharges into any public sewer, drain, or appurtenance thereof, any waste or substance until all applicable permits have been obtained.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.023 USE OF SANITARY SEWERS.**

Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used

only for the conveyance and disposal of sanitary sewage as defined in § 52.002, and for water-carried industrial sewage which are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, as defined in § 52.002, or of subsoil drainages, as defined in § 52.002, or of unpolluted water.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.024 USE OF STORM DRAINS.**

Stormwater, and all other approved drainage, shall be discharged into storm drains, or to a natural outlet, as approved by the Public Works Director. Industrial cooling water or uncontaminated process waters may be discharged, upon approval by the Public Works Director and the New Hampshire Water Supply and Pollution Control Division, to a storm sewer or natural outlet. However, no materials, the discharge of which into natural streams, ponds, lakes or other natural bodies of water is prohibited by state or federal law or regulations, shall be discharged into any storm drain. Also, a National Pollutant Discharge Elimination System (NPDES) permit shall be obtained by the industrial establishment for any such discharge of cooling or process waters.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.025 USE DESIGNATION.**

If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Public Works Director will consider the pertinent facts and make a determination. Said determination will be final and binding.

(Ord. passed 1-17-95)

#### **§ 52.026 PROHIBITED DISCHARGES.**

No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer or drain:

(A) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, gas, or solid, or any substance which may generate or form any flammable, explosive, or combustible substance, fluid, gas, vapor, or mixture when combined with air, water, or other substances commonly found in sewers. This includes, but is not limited to, pollutants which cause an exceedance of 10% of the lower explosive limit (LEL) at any point in the POTW or wastes with a closed cup flash point in the POTW or wastes with a closed cup flash point of less than 140°F or 60°C, using the test method specified in 40 CFR 261.21.

(B) Any waters or wastewaters that either independently or by interaction with other wastewaters, pass through or cause interference with any part of the POTW, or constitute a hazard to humans or animals in the receiving waters or the POTW. This includes but is not limited to interference, substances which cause pass

through or other problems caused by:

- (1) Solid or viscous pollutants.
- (2) Oxygen demanding pollutants.
- (3) Waste causing POTW upsets.
- (4) Pollutant discharges at specific rates or concentrations.
- (5) Heat in amounts which would inhibit biological activity or cause the POTW influent to exceed 104° F.
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.
- (7) Color or odor causing substances.

(C) Any waters or wastewaters having a pH lower than 5.0 or higher than 11.5 or having any other corrosive property which may be cable of causing damage or hazard to structures, equipment, and/or personnel of the POTW. In no case shall the quantities of waters or wastewaters be such that the pH of the influent to the POTW is caused to exceed a pH of 8.0.

(D) Any waters or wastewaters which result in the presence of toxic bases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(E) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(F) Any medical wastes except as specifically authorized in a discharge permit.

(G) Any wastewater causing the wastewater treatment plant's effluent or sludge to fail a toxicity test.

(H) Any garbage that has not been properly shredded by an approved garbage disposal unit.

(I) Any waters or wastewaters containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Public Works Director, the New Hampshire Water Supply and Pollution Control Division or the EPA for such materials.

(J) Any waters or wastewaters containing suspended solids, BOD, COD, or color of such character and quantity that would impose deleterious effects on the operation of the POTW or require more than normal attention or expense to handle.

(K) Any radioactive wastes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable State or Federal regulations.

(L) Any waters or wastewaters with any of the following constituents at daily concentrations greater than those indicated in the table below:

(1) *Table of limited pollutants.*

<b>COMPOUND</b>	<b>mg/l</b>
Copper	4.55



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Cyanide (T)	2.86
Lead	0.94
Mercury	0.023
Silver	0.90
Zinc	10.42

(2) Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow composited sample (or other sampling procedure approved by the Public Works Director) representative of the discharge over the duration of a 24 hour day or industrial operating schedule of less than 24 hours. For industrial discharge applications, the above limits shall apply at the end of the process train prior to dilution with nonindustrial wastewaters.

(M) *Screening levels.* The following constituents (list below is not all inclusive) cannot be discharged to the POTW exceeding concentrations listed below without approval of the Public Works Director:

(1) *Table of screening levels.*

<b>COMPOUNDS</b>	<b>mg/l</b>
Benzene	0.13
BOD	350
Carbon disulfide	0.06
Chlorine	1,500
Chloroform	0.41
1,2 Dichloroethylene	0.28
Sulfide	1.0
Sulfate (for Type II concentrate)	1,500/150
Sulfite	280
Suspended solids	350
Tetrachloroethylene:	0.53
1,1,1 trichloroethane	1.55
Trichloroethene	0.71
<b>OIL AND GREASE</b>	
Petroleum or mineral origin	100 ppm
Animal and vegetable origin	350 ppm

(2) Screening levels are concentrations above which a particular pollutant is expected to

create problems due to health, flammability, chemical reactivity, or organic/solids loadings.

(3) If any of the screening levels are exceeded and repeat analyses indicate noncompliance with the screening level, then the Industrial User may be required at the discretion of the city, to implement a study to evaluate the potential impact of the discharge of this pollutant to the city's collection system or wastewater treatment facility. This study must be conducted under the supervision and approval of the city.

(4) Upon evaluation of pH, temperature, dilution, type of sewer construction, other toxic fumes and ventilation present at the site of the particular discharge, screening levels shall then be adjusted and administered as limits for the specific discharge.

(Ord. passed 1-17-95; Am. Ord. passed 10-1-96; Am. Ord. passed 8-5-97) Penalty, see § 52.999

### **§ 52.027 PRETREATMENT FACILITIES.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, containing the substances or possessing the characteristics enumerated in § 52.026, the Public Works Director may:

- (1) Reject the wastes.
- (2) Require pretreatment to any acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Pursue enforcement action.

(B) If the pretreatment of waste flows is required, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Public Works Director and the WSPCD, and be subject to the requirements of all applicable codes, ordinances, and laws. No construction of such facilities shall commence until approvals are obtained in writing, plans designed by a professional engineer licensed in the state. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this chapter. Following completion of the pretreatment system, the city shall be provided with a certification by a professional engineer licensed in the state of New Hampshire, certifying that the facility has been constructed in accordance with the approved plans and specifications.

(C) All pretreatment facilities shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the city. In the maintaining of the facilities, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Public Works Director. Any removal and hauling of the collected materials, not performed by owner personnel, must be performed by currently licensed waste disposal firms.

(Ord. passed 1-17-95) Penalty, see § 52.999

**§ 52.028 EFFLUENT MONITORING DEVICES.**

At premises where any of the substances or wastes prescribed as being or to be excluded from any public sewer or drain are present and liable to be discharged contrary to the limitations of this chapter, the Public Works Director may require that the owner of said premises operate and maintain suitable monitoring devices on any or all building sewers or drains from said building sewers or premises near the point or points where said building sewers or drains connect to any public sewer or drain. By means of said devices, the owner, owners and occupants of said premises and the Public Works Director, or any public officer charged with any duty involving the supervision of the disposal of wastewaters, may secure samples of or examine the wastes and wastewaters discharged into said public sewer or drain and measure the quantities thereof for the purpose of ascertaining the compliance or noncompliance with the requirements of this chapter. All such devices and facilities shall be accessible and safely located, shall be constructed in accordance with plans approved by the Public Works Director, shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. passed 1-17-95) Penalty, see § 52.999

**§ 52.029 GREASE, OIL, AND SAND INTERCEPTORS.**

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(B) The user shall maintain records (which are subject to review by the Public Works Director) of the dates, and means of disposal of accumulated interceptor wastes. Any removal and hauling of the collected materials not performed by the user's personnel must be performed by currently licensed waste disposal firms.

(C) To facilitate compliance with this section, the user shall apply for a permit and furnish as part of the permit application a plan and description of the device. Where grease, oil, or sand interceptors or similar appurtenances are involved, approval must be granted from both the Building Department and the Public Works Director.

(Ord. passed 1-17-95) Penalty, see § 52.999

**§ 52.030 MONITORING RECORDS; ANALYTICAL RECORDS.**

The owner shall keep records of all monitoring and/or sampling data as required by the Public Works Director and submit said records upon request to the Department, the New Hampshire Water Supply and Pollution Control Division and the EPA. All measurements, tests, and analyses of the characteristics of water

and wastewater to which reference is made in this chapter shall be determined in accordance with the EPA Approved Methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136) and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by EPA. Analytical measurements shall be determined at the sampling manhole provided, or upon suitable samples taken at said sampling manhole or at the end of the pretreatment process prior to discharge to the city sewer. In the event that a special sampling manhole has not been required, the sampling manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling will be carried out by customarily accepted methods which, in the opinion of the Public Works Director, reflect the effect of constituents upon the sewage works and determine the existence of hazards to life, limb, and property.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.031 SPECIAL AGREEMENTS.**

No statement contained in this subchapter except for § 52.026(A) - (B) shall be construed as preventing any special agreement or arrangement between the city and any industrial user or commercial establishment, whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial or commercial establishment, and provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated thereunder, are compatible with any user charge now in effect, and do not waive applicable National Categorical Pretreatment standards. The city may submit a proposal to EPA to modify its maximum headworks loading allocations to allow for IU specific limitations to be included in its industrial discharge permits.

(Ord. passed 1-17-95)

### **§ 52.032 COMPLIANCE WITH STATE AND FEDERAL LIMITATIONS.**

All industrial wastewaters shall be pretreated in accordance with Federal and State regulations and this chapter to the extent required by applicable National Categorical Pretreatment standards, state pretreatment standards or standards established by the Public Works Director, whichever is more stringent.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.033 INFORMATION REQUIRED.**

(A) The Public Works Director may require a user of sewer services to provide information needed to determine compliance with this chapter.

(B) This information may include:

- (1) Wastewater discharge peak rates and volumes over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewage works on the user's property showing building sewer and pretreatment facility location.
- (6) Plans and specifications of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the public sewer or drain.

(Ord. passed 1-17-95)

#### **§ 52.034 SEPTAGE.**

No septage shall be discharged to the city's public or private sewers or drains.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.035 DILUTION PROHIBITED.**

It shall be illegal to meet requirements of this chapter by dilution of wastewater in lieu of proper pretreatment.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.036 SLUG DISCHARGE PLANS.**

Based on inspection and surveillance activities of industrial users, the Public Works Director may require a plan to prevent and control slug discharges. This may require descriptions of discharge practices, descriptions of stored chemicals, notification procedures in the event of a discharge, procedural practices for spill prevention, containment structures, and equipment for control, cleanup, and monitoring.

(Ord. passed 1-17-95)

## INDUSTRIAL PRETREATMENT

### § 52.050 COMPLIANCE.

All persons or industrial or commercial establishments discharging industrial wastewaters into a public sewer or drain, shall comply with applicable requirements of federal and state industrial pretreatment regulations, in addition to the requirements of this chapter. The national categorical standards, found in 40 CFR Chapter I, Subchapter N, parts 405-471, are hereby incorporated into this chapter.

(Ord. passed 1-17-95) Penalty, see § 52.999

### § 52.051 PERMIT REQUIRED; APPLICATIONS.

(A) All persons, industrial or commercial establishments subject to these rules shall submit an application for an industrial discharge permit (IDP), as required by the city, containing information required under applicable federal, state, and local industrial pretreatment reporting regulations. Such information, as a minimum, shall include:

- (1) The name and address of the facility, including the name of the operators and owners.
- (2) A list of all environmental permits held by or for the facility.
- (3) A brief description of the nature, average rate of production, and standard industrial classification of the operations carried out at such facility.
- (4) An identification of the categorical pretreatment standards applicable to each regulated process.
- (5) An analysis identifying the nature and concentration of pollutants in the discharge. A new source shall give estimates of its anticipated quantity of pollutants to be discharged.
- (6) Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer or drain from regulated process streams and from other streams.
- (7) A schedule of actions to be taken to comply with discharge limitations.
- (8) Additional information as required by the Public Works Director.

(B) All permit applications must be signed and certified in accordance with procedures set out in § 52.055 of this chapter.

(C) It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, into the city's sewer system without first obtaining an industrial discharge permit from the city. Any violation of the terms and conditions of an industrial user permit shall be deemed a violation of this chapter. Obtaining an industrial discharge permit does not relieve a permittee of its obligation to obtain other permits

required by federal, state, or local law.

(D) The city may require that other industrial users, including liquid waste haulers, obtain industrial discharge permits as necessary to carry out the purposes of this chapter.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.052 INDUSTRIAL DISCHARGE PERMIT CONTENTS.**

(A) The IDP will outline the general and specific conditions under which the industrial process waste will be accepted for discharge into the city's public sewers and drains.

(B) Specifically, the IDP will include, but need not be limited to, the following:

(1) Pretreatment and self-monitoring facilities required.

(2) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(3) Effluent limitations on the industrial process waste.

(4) A statement that indicates IDP duration, which in no event shall exceed five years.

(5) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 52.057.

(6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.053 APPEALS; PERMIT ENFORCEABLE.**

Conditions of the industrial discharge permits may be appealed in accordance with § 52.188. The conditions of the IDP will be strictly enforceable by the city.

(Ord. passed 1-17-95)

#### **§ 52.054 COMPLIANCE REPORTS.**

Significant industrial users shall submit periodic compliance reports at least once every six months or as required by the Public Works Director, indicating the nature and concentration of pollutants in the discharge

from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary in order to meet all standards on a consistent basis. Sampling and analysis may be performed by the city in lieu of the significant noncategorical industrial user. Where the POTW itself collects all the information required for the report the noncategorical significant industrial user may not be required to submit the report. All compliance reports must be in conformance with § 52.055 of this chapter.

(Ord. passed 1-17-95)

#### **§ 52.055 CERTIFICATION STATEMENT ON REPORTS.**

(A) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(B) An authorized representative is:

(1) A responsible corporate officer; if the industrial user is a corporation. A responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of principal business function, or any other person who performs similar policy or decision making functions for the corporation or the manager of one or more manufacturing production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) A general partner or the proprietor, if the industrial user is a partnership or sole proprietorship, respectively;

(3) A duly authorized representative of either of the individuals designated above if:

(a) The authorization is made in writing by the individual described above.

(b) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.

(c) The written authorization is submitted to the city.

(C) If an authorization under subsection (B)(3) of this section is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new



authorization satisfying the requirements of such authorization must be submitted to the city prior or together with any reports to be signed by an authorized representative.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.056 RECORD KEEPING REQUIREMENTS.**

(A) Industrial users subject to the reporting requirements under this subchapter shall maintain records of information resulting from monitoring activities required to prepare such reports.

(B) Such records shall include for each sample:

- (1) The date, exact place, method, and time of sampling and the names or persons taking the sample.
- (2) The name and signature of each person who handles the sample in the chain of custody.
- (3) The dates when analyses were performed.
- (4) The name of the laboratory performing the analyses.
- (5) The techniques, methods, measurement units, and detection limits used in all analyses.
- (6) The results of all analyses.

(C) These records shall be maintained for a minimum of three years or longer in the case of unresolved litigation or when requested by the Public Works Director, the state, or the U.S. EPA.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.057 PERMIT DURATION; REAPPLICATION.**

(A) The IDP shall be in effect for three years, unless the applicant is notified otherwise by the city. The user shall apply for permit reissuance by submitting a complete permit application a minimum of 60 days prior to the expiration date of the user's existing permit. Under no circumstances shall the permittee continue to discharge without an effective permit.

(B) An expired permit will continue to be effective and enforceable until the permit is reissued if:

- (1) The industrial user has submitted a complete permit application at least 60 days prior to the expiration date of the user's existing permit.
- (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

(Ord. passed 1-17-95)

**§ 52.058 TRANSFER AND MODIFICATIONS.**

(A) In the event that the permittee undergoes a major change in ownership of either its corporate voting stock or control of its corporate stock or of the building to which this contract relates, then the permit may be reassigned or transferred if:

(1) At least 30 days advance notice is provided to the Public Works Director.

(2) The new owner provides written notice that there is not immediate intent to change the facility's operations and processes, and identifies the specific date on which the transfer is to occur.

(3) The new owner enters into a new permit which embodies the terms of this permit.

(B) The IDP may be modified, suspended, or revoked in whole or in part during its term for causes including but not limited to the following:

(1) Violation of any term or condition of this permit.

(2) Providing false information, misrepresentation of facts, or failure to disclose fully all relevant facts in permit applications, reports, and inspections.

(3) A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.

(4) Promulgation of a more stringent pretreatment standard by city, state, or federal agencies having jurisdiction over receiving waters. Permits modified under this section may include implementation schedules, self-monitoring requirements, revised effluent limitations, and other provisions necessary to assure compliance.

(5) To reflect transfer of the facility ownership and/or operation of a new owner/operator.

(Ord. passed 1-17-95)

**§ 52.059 APPROVAL FOR CHANGES TO INDUSTRIAL USER DISCHARGES.**

An industry proposing a new discharge, a flow increase of 20% or greater than currently permitted, or any change in character or pollutants than currently permitted, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification under 40 CFR 403.12 (p), must submit a completed IDP application to the city at least 60 calendar days prior to the commencement of such discharge. The submitted application must include the information as enumerated in § 52.033. Upon approval of the IDP application by the city, a discharge permit request will be submitted by the city to the New Hampshire Water Supply and Pollution Control Division on behalf of the industry. Upon approval of the Discharge Permit Request by the New Hampshire Water Supply and Pollution Control division, the industry and the city will enter into a new or amended IDP in accordance with the procedure outlined in this section.

(Ord. passed 1-17-95)

## **§ 52.060 CITY NOTIFICATIONS OF REGULATIONS.**

The city, through duly authorized agents, shall provide timely notification to appropriate industries of applicable categorical pretreatment standards and revisions thereto.

(Ord. passed 1-17-95) Penalty, see § 52.999

## **§ 52.061 CATEGORICAL STANDARDS.**

(A) Compliance with categorical pretreatment standards shall be achieved within three years of the date such standards are effective, unless a shorter compliance time is specified in the standards.

(B) An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the city's public sewers or drains after the compliance date of such standards unless an amendment to the IDP has been issued by the city.

(C) Within 120 calendar days after the effective date of a categorical pretreatment standard, (or, for a new source, 90 days prior to the commencement of discharge) an industry subject to such standards shall submit an application for an IDP amendment. The application shall contain the information outlined under § 52.051. An attachment shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed and certified in accordance with the procedures set out in § 52.055 of this chapter and certified to by a professional engineer licensed in the state. Such application shall be considered a baseline monitoring report.

(D) Each user subject to a compliance schedule as required under § 52.051 or 40 CFR 403.12(b) (7), shall report on progress toward meeting compliance with these regulations as follows:

(1) Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the city indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken by the industrial user to return the progress to the schedule established.

(2) The time for any increment in the schedule, or the interval between reports required in subsection (1) of this division, shall not exceed nine months. An increment is the time between the dates for commencement and completion of major events leading to the construction and operation of pretreatment facilities necessary to achieve compliance with this chapter and national categorical pretreatment standards.

(E) Within 90 days following the date for final compliance with applicable national categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into a city sewer, any industrial user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are

limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative and certified to by a professional engineer licensed in the state of New Hampshire.

(Ord. passed 1-17-95) Penalty, see § 52.999

## **§ 52.062 NOTIFICATION OF HAZARDOUS WASTES DISCHARGES.**

(A) Any user who commences the discharge of hazardous waste shall notify the Public Works Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:

- (1) An identification of the hazardous constituents contained in the wastes.
- (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month.
- (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(B) All notification must take place no later than 180 days after the discharge commences. Any notification under this division need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 52.058 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 52.054 and 52.061.

(C) Dischargers are exempt from the requirements of division (A), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(D) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Public Works Director, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(E) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume of toxicity of hazardous wastes generated to the degree it has determined to be

economically practical.

(F) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued hereunder, or any other applicable federal or state law.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.063 SLUG DISCHARGES.**

Industrial users shall notify the Public Works Director or his representative immediately of all discharges to the public sewer or drainage systems that could cause problems to the POTW, including a slug loading as defined § 52.002. The Public Works Director may, after notice to the industrial user, immediately halt or prevent any industrial wastewater discharge to the sewer system which appears to present a danger to the health and welfare of persons, the environment, or which may threaten to interfere with operation of the public sewer system and/or sewage treatment plant.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.064 COMPLIANCE MONITORING.**

The Public Works Director shall, as necessary, sample and analyze wastewater discharges of industrial users and conduct inspection activities to identify occasional and continuing noncompliance with industrial pretreatment standards. All industries discharging to public sewers and drains shall allow unrestricted access to the Department, New Hampshire Water Supply, and Pollution Control Division, and EPA personnel for the purpose of inspection, investigating and sampling of facilities and discharges from the industries.

(Ord. passed 1-17-95)

### **§ 52.065 PUBLIC INFORMATION.**

Information and data submitted to the Public Works Director relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the extent provided by 40 CFR Part 2.302.

(Ord. passed 1-17-95)

### **§ 52.066 PUBLIC PARTICIPATION.**

The Public Works Director shall comply with the public participation requirements of 40 CFR, Part 25 in the enforcement of industrial pretreatment standards and requirements.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.067 VIOLATIONS OF LIMITS; ACTIONS REQUIRED.**

If sampling performed by an industrial user indicates a violation, the user shall notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violations, except the industrial user is not required to resample if:

- (A) The city performs sampling at the industrial user at a frequency of at least once per month; or,
- (B) The city performs sampling at the industrial user between the time when the user performs its initial sampling and the time the user receives the results of this sampling.

(Ord. passed 1-17-95)

### **SEPTAGE DISPOSAL**

#### **§ 52.080 STATE PERMIT.**

Any person, firm, corporation, municipal subdivision or institution who removes, transports, or disposes, or intends to remove, transport or dispose of any human excrement or other putrescible material by portable or mobile container shall hold an unrevoked permit for that purpose from the New Hampshire Department of Environmental Services, and shall be a condition precedent to the issuance of a permit by the Public Works Director.

(Ord. passed 1-17-95; Am. Ord. passed 1-7-97)

#### **§ 52.081 CITY PERMIT.**

(A) Any person, firm, corporation, municipal subdivision, or institution who intends to dispose of any human excrement or other putrescible material within the limits of the city shall first obtain a permit therefor from the Public Works Director. Such permittee may discharge such septage to the septage receiving facility provided at the Manchester Wastewater Treatment Plant. Service charges are as set forth in § 52.161. Disposal of septage in the city will be in accordance with the rules and regulations of the Department and this chapter.

(B) The Public Works Director shall issue to each applicant for a permit an application form whereon the applicant shall identify the motor vehicle, the capacity of the tank, and the state permit number and other details of compliance with the regulations of the New Hampshire Department of Environmental Services. The Public Works Director shall cause the said septage truck to be inspected and if it complies with this

subchapter and other applicable laws, he shall issue to the owner a permit for each such truck upon payment of a permit fee of \$5.

(C) The following conditions shall constitute conditions precedent to the issuance of each permit:

(1) Each septage truck shall have installed thereon a sight level by which the quantity of the contents of each tank may be ascertained by sight. In the event that the permittee has either a defective sight level or no sight level attached to the septage truck the permittee shall be charged according to the full tank capacity at the time of discharge or by other methods as determined by the Public Works Director.

(2) Evidence of satisfactory insurance coverage must be provided at the time of application for a permit and maintained throughout its duration.

(3) City permits are nontransferable.

(D) An identification decal shall be affixed to each vehicle. The owner must continually display the decal on the truck.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.082 DISCHARGE PROHIBITED.**

No person, firm, corporation, municipal subdivision, or institution shall discharge the contents of a portable or mobile container which contains human excrement or other putrescible material at any place, or into any container (not conforming to state law) or at any point of discharge within the city, other than to the facility provided as described in § 52.081. No person, firm, corporation, municipal subdivision, or institution shall discharge any toxic, poisonous, or radioactive solids, liquids, or gases into the wastewater treatment plant. No person, firm, corporation, municipal subdivision, or institution shall discharge the contents of grease, oil, and/or sand interceptors into any city facility without specific authorization of the Public Works Director.

(Ord. passed 1-17-95; Am. Ord. passed 1-7-97) Penalty, see § 52.999

#### **§ 52.083 PERMIT REVOCABLE.**

Failure to comply with city ordinances and regulations regarding septage may be cause for revocation of the permit as defined in § 52.081.

(Ord. passed 1-17-95)

#### **§ 52.084 BILLING; FUNDS.**

(A) The Public Works Director shall bill the permittee on a monthly basis for charges incurred. Such bills shall be due and payable within ten days of the billing date. Late payment charges of 12% shall be added to

delinquent payments; the Public Works Director is authorized to require payment in cash at the time of discharge of the septage.

(B) The funds received from the collection of service charges for the receipt and treatment of septage shall be kept as a separate and distinct fund which shall be known as the sewer fund. Any surplus in such fund may, as determined by the Board of Mayor and Aldermen, be used for the enlargement or replacement of the wastewater treatment facilities and the cost and operation of the city's public sewer system. Such service charges may be used to pay for previous expansion or improvements of wastewater treatment facilities or for any purpose provided in § 52.095.

(C) Charges for the receipt and treatment of septage at the wastewater treatment facility will be in accordance with § 52.161.

(Ord. passed 1-17-95)

## **SEWER RENTAL CHARGES**

### **§ 52.095 SEWER RENTAL CHARGE.**

Pursuant to R.S.A. 149-I:7, a system of sewer rental charges is hereby established and assessed for paying the cost of construction, payment of interest on debt incurred, management, maintenance, replacement, operation, and repair of the city's wastewater treatment facilities, and the city's public sewer system and other legal expenses of the Environmental Protection Division. Said sewer rental charges shall consist of a service charge and a sewer user charge. Sewer rental charge = service charge (S) + sewer usage charge.

(Ord. passed 1-17-95)

### **§ 52.096 PAYMENT.**

Sewer rental charges for residential premises, commercial establishments, and industrial establishments shall be paid by the owner of any structure containing one or more dwelling units, commercial establishments, or industrial establishments from which structure sewage discharges into the city's public sewer system.

(Ord. passed 1-17-95)

### **§ 52.097 SERVICE CHARGES.**

Service charges shall be payable by the owner of the real estate whether or not the premises are occupied. All service charges shall be at the rates provided in § 52.160. In the case of structures containing multiple dwelling units or any combination of dwelling units, commercial establishments, or industrial establishments, a separate service charge shall be payable for each dwelling unit, commercial, and industrial



establishment.

(Ord. passed 1-17-95)

#### **§ 52.098 USAGE CHARGES.**

Usage charges for residential and commercial premises shall be based on the consumption of water on premises connected with public sewers and drains. In computing charges under the user charge formula for residential and commercial users, biochemical oxygen demand, and suspended solids content are fixed at 250 mg/l. Industrial user charges are based on the volume and strength of wastewater discharged by industrial users. Strength shall be determined from the BOD and SS content of the wastewater as determined by periodic composite sampling by the Environmental Protection Division of the Department. Said periodic composite sampling shall be conducted by or under the supervision of the Chief Sanitary Engineer to an extent that will permit a reasonable determination of BOD and SS. All usage charges shall be at the rate provided in § 52.160.

(Ord. passed 1-17-95)

#### **§ 52.099 WATER METER REMOVAL.**

If a building or structure is demolished, or damaged by fire or an Act of God, service charges for the original number of dwelling units or establishments shall continue to accrue until such time that the water meter has been removed.

(Ord. passed 1-17-95)

#### **§ 52.100 SEWER FUND.**

The funds received from the collection of sewer rental charges shall be kept as a separate and distinct fund which shall be known as the sewer fund. Any surplus in such fund may, as determined by the Board of Mayor and Aldermen, be used for the enlargement or replacement of the wastewater treatment facilities and the city's public sewer system. Such sewer rental charges may be used to pay previous expansion or improvements of wastewater treatment facilities or for any purpose provided in § 52.095.

(Ord. passed 1-17-95)

#### **§ 52.101 BILLING PERIODS; DELINQUENT ACCOUNTS.**

(A) Billing period for sewer rental charges shall correspond with billing periods of the Manchester waterworks for the same customers. Bills shall be itemized and shall specify a due date which shall be no less than 25 days from the date when bills are mailed.

(B) Delinquent accounts are subject to such interest and late payment charges as are provided by R.S.A. Chapter 149-I.

(C) The Board of Mayor and Aldermen may commit all sewer charges under R.S.A. 149-I, or any delinquent portion thereof, to the Collector of Taxes with a warrant under the hands and seal of the Mayor and Aldermen requiring him to collect them; and he shall have the same rights and remedies and be subject to the same liabilities in relation thereto as in collections of taxes.

(D) Warrants for delinquent charges shall be committed to the Tax Collector quarterly at the second meeting of the Board of Mayor and Aldermen of the months of January, April, and October of each year, and on the first regular meeting of July of each year; except, that if any such date falls on a legal holiday, then such meeting shall be held on the Tuesday following said holiday.

(Ord. passed 1-17-95)

## **BUILDING SEWERS AND CONNECTIONS**

### **§ 52.115 BUILDING CONNECTION PERMITS REQUIRED.**

(A) No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer, or appurtenances thereof, unless a proper permit therefore shall have been duly issued by the Public Works Director, as hereinafter provided. All building connection installation and alteration work shall be performed by pipe layers certified by the Department, or by licensed plumbers.

(B) There shall be two classes of building connection permits: Class A permits, which shall authorize the connection of residential establishments generating only sanitary sewage, as defined in § 52.002, to the public sewer; and Class B permits, which shall authorize the connection of commercial or industrial establishments to the public sewer. Building connection permit fees shall be assessed based on the number of connections to the public or private sewer.

(C) Application for a building connection permit shall be made by a certified pipe layer for the building to be connected and shall be made on an application form provided by the Public Works Director. Each application shall be supplemented with the plans and specifications for the building sewer connection and such other information relating to the building and the wastes to be discharged as may be considered pertinent by the Public Works Director. At his discretion, the Public Works Director may also require that all plans, specifications, and data so submitted shall bear the seal and signature of a professional civil engineer registered in the state of New Hampshire. A permit and inspection fee will be established by the Board of Highway Commissioners as noted in § 52.162.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.116 SEWER IMPROVEMENT AREA.**

(A) Application for a building connection permit in the following locations, identified as sewer improvement areas, within which new construction is proposed, requires the following off-site sewer improvement cost recovery fee:

- (1) Wellington Hill Area - \$600 per unit.
- (2) Youngsville Area - \$675 per unit.
- (3) Hackett Hill Road Area - \$758 per unit.

(B) The foregoing off-site sewer improvement cost recovery fees are based on an equivalent dwelling unit basis where one dwelling unit is equal to a design average daily sanitary flow of 250 gallons per day, as determined by the Department. The off-site sewer improvement cost recovery fee will be paid to the Department at the time of or prior to the issuance of the building sewer permit.

(C) The Board of Mayor and Aldermen reserves the right to review the off-site sewer improvement cost recovery fee at least once a year and to adjust those fees as deemed necessary.

(Ord. passed 1-17-95; Am. Ord. passed 8-6-02)

#### **§ 52.117 CERTIFIED PIPE LAYERS.**

All pipe layers shall be certified by the Department prior to performing any work in the city. A valid plumbers license shall be prima facie evidence of certification as a pipe layer as defined in § 52.002. All certifications shall be issued for a one-year period, the renewal date being one year from date of approval by the Highway Commission. In applying for a certification, the prospective pipe layer shall provide all information required by the Department including a statement that he will supervise and be responsible for all work performed.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.118 PERMITS OUTSTANDING.**

(A) No pipe layer shall have more than ten building connection permits outstanding at any time without written permission from the Department. One copy of the permit shall be available for inspection at the site of the work at all times. Pipe layers shall install building connections only during the normal working hours of the city.

(B) Emergency working hours shall be approved only in writing by the Department.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.119 NONTRANSFERABLE.**

No certified pipe layer shall allow his name to be used by any other person, either for the purpose of obtaining permits or doing any work under his certification.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.120 SUSPENSION; REVOCATION.**

Should the Public Works Director find that any certified pipe layer has failed to conform to the requirements of this chapter and to the conditions of any permit or certification issued thereunder, the Public Works Director may suspend, cancel, or revoke such permit or certification. Suspension, cancellation, or termination of a permit or certification shall not entitle the permittee or certificate holder to any compensation or reimbursement from the city or its agents for any alleged loss or expense incurred thereby, and permits and certifications shall be issued only on this condition.

(Ord. passed 1-17-95)

#### **§ 52.121 INDEMNIFICATION.**

All costs and expenses incidental to the installation and connection of a building connection shall be borne by the owner, and the issuance of a building connection permit shall be contingent upon the owner indemnifying the city against any loss or damage that may be caused directly or indirectly by the installation of the building sewer.

(Ord. passed 1-17-95)

#### **§ 52.122 SEPARATE CONNECTIONS.**

A separate and independent building connection shall be provided for every building except that, when two or more buildings are so situated that a separate and independent building connection for each building would involve practical difficulties and impose unnecessary hardships, the Public Works Director may authorize the connection of such buildings to the public sewer through a single building connection, subject to such terms and conditions of easement, design, and construction as he may require. In the case of multi-family, condominium, or town house dwelling units, each building connection will be subject to the issuance of a permit.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.123 EXCAVATION.**

All excavation required for the installation of a building connection shall be open trench work, unless

otherwise approved by the Public Works Director. The size, slope, alignment, materials of construction of a building connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the standard specifications of the Department, the Department's street opening regulations and this chapter.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.124 PROTECTION.**

All excavation for building connection installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, and in accordance with any other ordinance, rule, or regulation pertaining thereto.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.125 SIZE AND SLOPE.**

The size and slope of the building connection shall be subject to the approval of the Public Works Director, but in no event shall the diameter be less than four inches; and the slope of the four inch pipe shall in no case be less than  $\frac{1}{4}$  inch per foot. Six inch pipe may be laid at a slope of inch per foot. Pipe larger than the minimum size herein specified shall be used when and as the size of structure, numbers and kinds of fixtures to be drained or other conditions may make it necessary to provide for adequate and proper flow.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.126 BUILDING CONNECTION.**

Wherever possible, the building connection shall be brought to the building at an elevation below the basement floor. In no instance shall the connection enter the building through a footing. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary or industrial sewage carried by such sewer shall be lifted by means approved by the local Building Inspector and discharged to the building connection. The requirements of the Building Department shall be observed with respect to fixtures inside of the exterior face of any building or structure and with respect to an exterior pump chamber from the point of discharge.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.127 COVER AND ALIGNMENT.**

The cover over the crown of the building connection shall be at least four feet to afford protection from frost action. Any deviation from the minimum cover required shall be done only with the written permission of the Public Works Director. The building connection shall be laid at a uniform grade and in straight alignment. Changes in direction shall be made only at clean outs or manholes as required by the Public Works Director. Clean outs shall be provided at maximum spacing of 75 feet on straight runs.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.128 MATERIAL SPECIFICATIONS.**

The building connection outside the exterior face of any building or similar structure shall conform to the requirements of this chapter and the Department Regulations as to permits, materials, and workmanship. Building connections, for gravity applications, shall be constructed of extra-strength vitrified clay pipe conforming to ATSM Specification C-700; extra heavy cast-iron soil pipe conforming to ASTM Specification A-74; ductile iron pipe conforming to ANSI/AWWA A021.5V C-151, Class 52 or polyvinyl chloride pipe conforming to ASTM D-3034, SDR 35. For building connections larger than 10 inch diameter, reinforced concrete pipe conforming to ASTM Specification C-76, Class IV, Wall B shall be used. Building sewer force mains shall be constructed of ductile iron pipe conforming to ANSI/AWWA A-21.51/C-151, Class 53 or polyvinyl chloride pipe conforming to ASTM D-2241, SDR 26. Building sewer force mains shall be laid as to maintain a continuous positive slope from the building to the point of discharge unless vacuum relief valves and clean outs are installed at high and low points, respectively. Asbestos cement pipe and no-hub cast iron pipe will not be allowed for the installation of or repair of any building connection.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.129 CONNECTION TO CITY.**

The construction of the building connection into the public sewer shall be made at the curb fitting of the “Y” branch, if such branch is provided and available at a suitable location. On direction of the Public Works Director, where no “Y” branch is available, a neat hole may be cut, by machine, into the public sewer to receive the building connection, with entry in the downstream direction at an angle of 45°, with an approved saddle or clamp-type fitting. A neat hole may also be cored in a manhole where connection to a manhole is appropriate and approved in advance by the Public Works Director. Such connections shall be made completely watertight at the location specified by the Public Works Director and under the supervision and in the presence of the Inspector, and as directed by and to the satisfaction of the Inspector.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.130 INSPECTION AND RECORDS.**

- (A) The pipe layer shall notify the Public Works Director when the building connection is ready for

inspection and connection to the public sewer. The Public Works Director shall be notified not less than 48 hours in advance of the time any connection is to be made to any public sewer or drain of the city, and such connection shall be made only in the presence of the Inspector and according to his instructions. The Public Works Director shall be afforded all reasonable opportunity to oversee the construction of all parts of any building sewer or drain connected directly, or indirectly, or intended to be so connected, to any public sewer or drain of the city, and to obtain and record the location and other pertinent facts with respect to such building sewer or drain. This requirement also shall apply to repairs or alterations to building connections, drains, or pipes discharging thereto.

(B) No building connection or drain or connection to a public sewer or drains shall be covered until it has been inspected by the Public Works Director and found to conform to the requirements and established standards of the Department in all respects and be satisfactory as to the quality of the workmanship and materials.

(C) The Public Works Director shall keep a record of all connections made to public sewers and drains under this chapter and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the city or intended to so discharge. All persons concerned shall assist the Public Works Director securing data needed for such records.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.131 ABANDONED CONNECTIONS.**

When any building or other structure previously served by a connection to any public sewer or drain is demolished, destroyed, abandoned, or altered so that any building sewer or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer or drain is no longer used and is no longer connected to the drainage system of the building or structure, the open end of such building connection or drain which discharges, directly or indirectly, into a public sewer or drain shall be promptly closed and sealed to the satisfaction of the Public Works Director. The Public Works Director shall be notified of such abandonment or discontinuance, and of the closing and sealing of such building drain, and shall be afforded an opportunity to see such work performed. All said work shall be the responsibility of the person or party who demolishes the building or structure or who alters the drainage of the premises so as to make such closing and sealing necessary and shall be in accordance with this chapter. In the event of failure of such person to do so, said work shall be the responsibility of the owner, lessee, or tenant of the premises to the satisfaction of the Public Works Director, all without expense to the city.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.132 NEW BUILDING CONNECTIONS REQUIRED.**

Building connections installed prior to 1973 shall not be used for servicing new, reconstructed, or remodeled buildings. Building connections installed since 1973 may be used for servicing new, reconstructed, or remodeled buildings only when, in the opinion of the Public Works Director, they are found, on examination

or test by the Public Works Director, to meet all the requirements of this chapter.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.133 STORMWATER PROHIBITED.**

No person shall make a connection of roof downspouts, exterior or interior foundation drains, areaway drains, cooling-water drains, storm water drains, or any other sources of surface runoff or groundwater to a building sewer or building connection which in turn is connected, or intended to be connected, directly or indirectly, to a public sewer.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.134 SEPARATE SYSTEMS REQUIRED.**

In all new construction, and in all reconstruction and remodeling involving building sanitary facilities, as directed by the Public Works Director, separate piping systems shall be provided for wastewater and for storm water and shall be extended from the building as separate systems to the public sewer and each, in turn, connected to the appropriate sanitary sewer or storm drain. Where the public sewer is presently a combined sewer, the requirements for separate wastewater and storm water system shall also apply, even though the separate systems will connect to the same combined sewer.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.135 APPROVAL TO DISCHARGE.**

(A) Any person proposing a new discharge into the sewer system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Public Works Director at least 60 calendar days prior to the proposed change or connection. No connections or change in discharge shall be made until formally approved by the Public Works Director.

(B) Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents or any increases in industrial discharge must also be approved by the WSPCD.

(Ord. passed 1-17-95) Penalty, see § 52.999

## **CONSTRUCTION AND REPAIR**



#### **§ 52.145 SEWER AND DRAINS.**

To insure compliance with this chapter and to facilitate the supervision of the construction, operation, and repair of public sewers and drains and the keeping of records thereof, no person other than those described in this subchapter, shall construct, repair, alter, or remove any building connection or drain connected to or with, or discharging directly or indirectly to or into, any public sewer or drain of the city of intended to discharge thus, at some future time, regardless of whether said work is located in a public street or in public or private land.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.146 PERMIT REQUIRED.**

No person, other than those working for and under the direction of the Department, shall make any excavation for or construct, install, lay, repair, alter, or remove any sewer, drain, sewer connection, or appurtenance thereof, within the city, which is in any way connected to or discharges directly or indirectly to or into any public sewer or drain of the city, or is intended at some future time to be so connected or to so discharge, until said person shall have applied for and secured from the Public Works Director a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in § 52.147.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.147 AUTHORIZED PERSONS.**

The following may, as indicated, construct, repair, alter, or remove public sewers and drains, including building connections, subject to supervision and approval by the Public Works Director.

(A) Regular forces of a contractor employed by the city operating under orders of the Public Works Director and in the performance of work for the city.

(B) Regular forces of the waterworks or the New Hampshire Department of Transportation operating under and subject to a permit for the particular job to be issued by the Public Works Director and while engaged in the regular operations of the waterworks or the Department of Transportation.

(C) Regular forces of any public utility corporation authorized by state law to construct, maintain and operate pipes or ducts within public highways within the city, while engaged in work incidental to the regular structures of said utility company and operating under and subject to the conditions of the permit for the particular job issued by the Public Works Director.

(D) Any contractor or person who shall have been duly authorized by the Department to perform work of the type in question during the period provided in such authorization and when operating under and

subject to the conditions of a permit for the particular job issued therefore by the Public Works Director.

(E) Regular forces of the Department operating under orders of the Public Works Director and in the performance of work for the city.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.148 PLUMBERS.**

The limitations as to the person who may construct, alter, or repair public sewers and drains, as provided in § 52.147 shall not restrict the usual work of plumbers or others when operating in accordance with the plumbing and building codes of the city; provided no plumber or other person shall make any connection to a public sewer or drain of the city without a permit therefore, even if said public sewer or drain is located under or immediately adjacent to any building or similar structure; and provided all drains and fixtures within said building or structure and all use made of them shall conform to the requirements of this chapter as to what may or may not be permitted to be discharged into public sewers and drains.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.149 CONTRACTOR RESPONSIBILITY.**

Each contractor or person shall be responsible for the faithful performance of all work performed under the certificate or permits issued and for the conduct of all work and all materials furnished on work by his employees or agents. No work shall be sublet by a contractor or person under any permit issued under such certificate in any manner to divest said contractor or person of full control and responsibility for all parts of said work. Only competent personnel shall be employed on work performed under such certificate and only suitable materials conforming to the Standard Specifications of the Department shall be furnished or used on such work.

(Ord. passed 1-17-95) Penalty, see § 52.999

### ***RATES AND CHARGES***

#### **§ 52.160 SEWER RENTAL CHARGES.**

(A) The following sewer rental charges shall be in effect unless amended by further action of the Board of Mayor and Aldermen:

- (1) Service charges are payable at the following rates per quarter:
  - (a) Structures containing single- dwelling unit - \$11.
  - (b) Structures, containing two dwelling units - \$9 per unit.

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- (c) Multiple structures, per dwelling unit - \$7.
- (d) Commercial establishments, per establishment - \$15.
- (e) Industrial establishments, per establishment - \$31.

(2) User charges for industrial establishments shall be computed under the usage charge formula based on the unit costs provided herein. User charges for residential and commercial premises computer under the usage charge formula on said unit costs are computed based on the number of cubic feet of water consumed on the premises as metered by the waterworks at the rates per 100 cubic feet and effective billing dates as follows:

<u>RATE</u>	<u>EFFECTIVE BILLING DATE</u>
\$1.37/100 CF	1/01/94
\$1.55/100 CF	1/01/96

(B) In the case of nonmetered premises, the average consumption for comparable structures as determined by the Chief Sanitary Engineer shall be used as a basis for billing.

Such owners may have metering facilities installed at their own expense. Such installations must be requested in writing and conform to EPD policy for such installations.

(C) Unit costs under the user charge formula are established at the rates and at the effecting billing dates as follows:

<i><b>Vu</b></i>	<i><b>Bu</b></i>	<i><b>Su</b></i>	<i><b>Effective Date</b></i>
\$1.29/1000 gallons	\$12.55/100 lbs.	\$12.32/100 lbs	1/01/94
\$1.46/1000 gallons	\$14.19/100 lbs.	\$13.93/100 lbs.	1/01/96

(D) User charge credits for residential customers for extraneous water use are available by making application to the EPD for the installation of a “deduct” meter. Extraneous water use is that portion of the waterworks metered water, not returning to the sewer system.

(1) To participate, the residential user must install a deduct meter in accordance with conditions established by the Environmental Protection Division of the Highway Department. Such application shall be on forms provided by EPD. Usage charges for residential customers installing a deduct meter will be computed based on the number of cubic feet of water consumed on the premises as metered by the waterworks minus the number of cubic feet of water as measured by the deduct meter at the effective rates of division (C) of this section.

(2) Failure to comply with all conditions or any attempt to defraud the billing system as determined by EPD, will result in revocation of the right to use the deduct meter and in such case billing calculations will revert to the terms described in division (C). In such case, penalties will be sought in accordance with all applicable ordinances.

(3) User charge credits for non- residential customers are available by making application to the Highway Department, Environmental Protection Division (EPD) for a deduct meter as stipulated in (1) and

(2) above and in accordance with conditions established by the Highway Department. Credits for non-residential users will be given for water used for irrigation purposes only. All other provisions of § 52.160 will apply.

(4) User charge credits for elderly, residential accounts will be given to those sewer accounts that are granted an elderly exemption by the Tax Assessor's Office. Residents qualifying for the tax exemption will be billed at the rate of 50% of the current sewer usage charge and 50% of the current sewer service charge. This credit will not apply to condominium associations or homeowners associations. All other provisions of § 52.160 will apply.

(E) User charge credits for residential accounts will be given to those sewer accounts that are granted a tax deferral by the Tax Assessor's Office for those on the Tax Deferral for Elderly and Disabled Persons Program. Residents qualifying for the tax deferral will be billed at the rate of 50% of the current sewer service charge. This credit will not apply to condominium associations or homeowners associations. The sewer usage and sewer service charges will revert back to standard rates outline in § 52.160 upon notification from the Tax Assessor's Office that the property has been removed from the Tax Assessor's Tax Deferral Program. All other provisions of § 52.160 will apply.

(Ord. passed 1-17-95; Am. Ord. passed 5-16-95; Am. Ord. passed 10-7-97; Am. Ord. passed 1-2-01; Am. Ord. passed 9-4-01)

#### **§ 52.161 SEPTAGE SERVICE CHARGE.**

There is hereby established the following service charge for the receipt of septage into the Manchester Wastewater Treatment Facility for the treatment of said septage prior to discharge thereof into the Merrimack River to be effective at the rates and billing dates as follows:

(A) For any discharge of one thousand gallons or less - \$70.00/1000 gallons.

(B) For any discharge in excess thereof, a charge of \$7.00 per multiple of 100 gallons or any part of such multiple effecting beginning 1/1/93.

(C) For any discharge as measured by the weight scale at the septage receiving facility: \$.07 per gallon (using conversion of 8.34 lb/gal), effective 1-1-93; or, \$.0085 per pound.

(Ord. passed 1-17-95; Am. Ord. passed 4-21-98)

#### **§ 52.162 OTHER FEES.**

Building connection permits and inspection fees shall be established by the Manchester Highway Commission through Department regulations. Such fees shall remain in effect unless amended by further action of the Commission. Such fees shall be paid to the Department at the time the application for a building connection permit is filed.

(Ord. passed 1-17-95)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 52.175 ACCESS TO FACILITIES.**

The Public Works Director, and other duly authorized employees of the Department bearing proper credentials and identification, shall have unrestricted access to all properties discharging to public sewers and drains for the purposes of inspection, observation, measurement, sampling, inspection, and copying of records, and testing pertinent to discharge to public sewers and drains in accordance with the provisions of this chapter.

(Ord. passed 1-17-95)

### **§ 52.176 INFORMATION ACCESS.**

The Public Works Director, and other duly authorized employees of the Department bearing proper credentials and identification, are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to public sewers and drains. The industry may declare information to be confidential, however, in such instances the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(Ord. passed 1-17-95)

### **§ 52.177 EASEMENTS.**

The Public Works Director, and other duly authorized employees of the Department bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the duly negotiated easement pertaining to the private property involved.

(Ord. passed 1-17-95) Penalty, see § 52.999

### **§ 52.178 SAFETY.**

While performing the necessary work on private properties referred to in § 52.175, the Public Works Director or duly authorized employees of the city shall observe all safety rules applicable to the premises

established by the commercial or industrial establishment.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.179 NOTIFICATION OF VIOLATIONS.**

Whenever the Public Works Director finds that any person, firm, corporation, municipal subdivision, institution, or industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the Public Works Director or his agent may serve upon said offender written notice of the violation. Within a time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Public Works Director. The offender shall permanently cease all violations and take such action as is recommended or necessary to insure that there will be no recurrence of such violation. All such work in connection therewith shall be performed by the offender without delay and without expense to the city. Compliance with this section in no way relieves the offender of liability for any violations occurring before or after receipt of the notice of violation.

(Ord. passed 1-17-95) Penalty, see § 52.999

#### **§ 52.180 SHOW CAUSE HEARING.**

The Public Works Director may order any person or industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the offender specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the offender show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any person, principle executive, general partner, or corporate officer. Whether or not a duly notified offender appears as noticed, immediate enforcement action may be pursued.

(Ord. passed 1-17-95)

#### **§ 52.181 ANNUAL PUBLICATION OF SIGNIFICANT VIOLATORS.**

The Public Works Director shall publish, at least annually, in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in the Code of Federal Regulations 40 CFR, Part 403, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(Ord. passed 1-17-95)

**§ 52.182 CONSENT ORDERS.**

The Public Works Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person or industrial user responsible for the noncompliance. Such order will include specific action to be taken by the person or industrial user to correct the noncompliance within a time period also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(Ord. passed 1-17-95)

**§ 52.183 TERMINATION OF PERMIT.**

Any industrial user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (A) Violation of permit conditions.
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (C) Failure to report significant changes in operations or wastewater constituents and characteristics.
- (D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(Ord. passed 1-17-95)

**§ 52.184 TERMINATION OF SERVICE.**

The city may, after notice to the person discharging wastewater to the public sewer or drain, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or drains, or sewage treatment plant.

(Ord. passed 1-17-95)

**§ 52.185 RECOVERY OF EXPENSES.**

Any person or industrial user violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. If the Public Works

Director shall have caused the disconnection of a drain from the public sewerage system, the city may collect the cost of making such disconnection from any person responsible for or willfully concerned in or who profited by such violation of the requirements of this chapter and may, thereafter, refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation of this chapter until the claim of the city for the cost of making such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the city in connection therewith.

(Ord. passed 1-17-95)

#### **§ 52.186 HARM TO CITY PROPERTY.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest pursuant to the local ordinances and state and federal statutes.

(Ord. passed 1-17-95)

#### **§ 52.187 INJUNCTIVE RELIEF; OTHER ACTIONS.**

(A) Whenever a person or industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the city, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the person or user.

(B) Actions which may be taken by the city for violations of this chapter include ex parte temporary judicial injunctive relief, entry on private property to halt discharges, blockage of a public sewer or drain to halt discharges, or demand on specific action by the person in violation.

(Ord. passed 1-17-95)

#### **§ 52.188 APPEALS.**

Any party aggrieved by any decision, regulation, or provision under this chapter, as amended, from time to time, shall have the right of appeal within 30 calendar days of said decision to the Manchester Highway Commission, who shall issue a decision within 30 calendar days. If said appeal is denied by the Manchester Highway Commission, then said aggrieved party shall have the right to appeal to the Hillsborough County Superior Court for equitable relief, provided that said appeal is entered within 30 calendar days from the issues of the decision of the Manchester Highway Commission.

(Ord. passed 1-17-95)



## **§ 52.999 PENALTY.**

(A) Any person or industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the city for a civil penalty of not more than \$10,000 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Public Works Director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(B) The Public Works Director shall petition the Court to impose, assess, and recover such sums. In determining the amount of liability, consideration shall be given to all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factors as justice requires.

(C) Any person or industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$1,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation.

(Ord. passed 1-17-95; Am. Ord. passed 10-1-96)

### ***Statutory reference:***

*R.S.A. 47:17 (suppl) and R.S.A. 31:39 (suppl)*

## **CHAPTER 53: ON-SITE SEWAGE DISPOSAL SYSTEMS**

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### **Section**

53.01	Purpose
53.02	Definitions
53.03	Review of proposed plans
53.04	Permit; inspection; fees
53.05	Design requirements
53.06	Variance from provisions
53.07	Correction of failed on-site sewage disposal systems

## **§ 53.01 PURPOSE.**

The purpose of this chapter is to protect the public health and well being, and to insure that on-site sewage disposal systems are designed and constructed in a manner which will not create a nuisance or harm the

environment through premature failure of the system.

('71 Code, § 21-70) (Ord. passed 6-6-78; Am. Ord. passed 9-4-01)

## **§ 53.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**HEALTH AUTHORITY.** The Health Officer of the City of Manchester, or his designated representatives.

**PLANNING BOARD.** The Planning Board of the City of Manchester.

**SEWAGE.** A combination of liquid wastes which may include chemicals, household wastes, human excreta, animal or vegetable matter, or other solids in suspension or solution, and which is discharged from a dwelling, building, or other establishment.

**SEWAGE DISPOSAL SYSTEM.** An on-site installation comprised of a septic tank or other sewage-containing receptacle and a subsurface effluent distribution system.

**SEWAGE DISPOSAL SYSTEM EFFLUENT.** Any liquid material which is discharged from a septic tank or other sewage-containing receptacle.

**SUBDIVISION PLAN.** A plot plan which shows the proposed lots on a defined piece of property, but need not include design plans and specifications for each individual sewage disposal system.

('71 Code, § 21-71) (Ord. passed 6-6-78; Am. Ord. passed 9-4-01)

## **§ 53.03 REVIEW OF PROPOSED PLANS.**

(A) Any person proposing to subdivide land shall submit a copy of the proposed subdivision plan to the Health Authority for its review and determination as to whether the site is suitable for development with sewage disposal systems. The applicant is advised to contact the Health Authority prior to digging test pits and performing percolation tests on the tract of land to be subdivided. All such test pits and percolation tests shall be subject to verification by on-site inspection by the Health Authority, prior to its review of the subdivision plan.

(B) The Health Authority in its review will consider soil data, lot sizes, percolation test results, depth to seasonal high water table, location of existing or proposed private water sources and the general requirements for design and construction of sewage disposal systems. The Health Authority may require submission of additional engineering geological or soil information and/or a study of the economic feasibility of the proposed sewage disposal systems prior to making its determination. The Health Authority may specify in its determination the minimum lot sizes or other conditions on which its determination is based in accordance with soil types, environmental conditions, and such guidelines as may be established by the Health Authority. No

subdivision plan shall receive final approval by the Planning Board until the Health Authority has reviewed the plan and has determined that the site in question is suitable for development with sewage disposal systems.

(C) Nothing in this section is to be construed as relieving the applicant of the permit requirements relative to individual sewage disposal systems on each proposed lot. Plans shall not be submitted to the New Hampshire Department of Environmental Services for its review and determination without certification by the Health Authority that applicable local requirements have been met. All plans and specifications submitted to the Health Authority shall also be consistent with the requirements of the New Hampshire Department of Environmental Services, Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000 for submission of plans.

('71 Code, § 21-72) (Ord. passed 6-6-78; Am. Ord. passed 9-4-01)

#### **§ 53.04 PERMIT; INSPECTION; FEES.**

(A) *Design plans.* Any person proposing to design a sewage disposal system shall contact the Health Authority prior to digging test pits and performing percolation tests on the proposed system site. All such test pits and percolation tests shall be subject to verification by on-site inspection by the Health Authority prior to its review of the system design plan.

(B) *Review of design plan.* Any person proposing to construct, repair, or rebuild a sewage disposal system shall submit a properly prepared plan to the Health Authority for review of soil data, lot size, and the proposed sewage disposal system. The Health Authority may require the system designer or property owner to submit additional engineering, geological or soil information, and/or an analysis of the economic feasibility of the proposed sewage disposal system, prior to making its judgment on the approval or disapproval of the system plan. Plans shall not be submitted to the New Hampshire Department of Environmental Services for its review and determination without certification by the Health Authority that applicable local requirements have been met. All plans and specifications submitted to the Health Authority shall also be consistent with the requirements of the New Hampshire Department of Environmental Services Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000 for submission of plans.

(C) *Plan review fee.* There is no fee for the initial review of a design plan for a proposed on-site sewage disposal system. Subsequent reviews when a plan is revised shall require that a plan review fee of \$15 for a residential single household plan and \$25 for a subdivision, commercial, or other sewage disposal system plan be paid prior to said review.

(D) *Test pit inspection fee.* For each test pit inspected and recorded by the Health Authority, a fee of \$25 shall be paid to the Manchester Health Department.

(E) *Permit required; fee.* Prior to commencing construction, any person who wishes to install, alter, or repair an individual sewage disposal system in Manchester, shall obtain a permit from the Health Authority. The permit fee shall be \$100 for a single household sewage disposal system and \$150 for a commercial or other sewage disposal system.

(F) *Reinspection fee.* In the event that a newly constructed septic system is not approved for operation following two inspections, a reinspection fee of \$25 shall be paid to the Health Department for each

additional required inspection.

('71 Code, § 21-73) (Ord. passed 6-6-78; Am. Ord. passed 3-1-83; Am. Ord. passed 6-2-87; Am. Ord. passed 9-4-01)

### **§ 53.05 DESIGN REQUIREMENTS.**

Sewage disposal systems shall be designed and constructed in accordance with the requirements of the New Hampshire Department of Environmental Services and the following:

(A) Any soil with a seasonal high water table at or within two feet of the natural ground surface shall not be used for the disposal of sewage disposal system effluent.

(B) Any land having a natural slope of 15% or greater shall not be altered or used for the disposal of sewage disposal system effluent.

(C) Sewage disposal systems shall not be constructed in any soil with a percolation rate slower than 30 minutes per inch.

(D) Sewage disposal systems shall not be constructed in flood-prone areas as designated on the official flood-plain map of the city, and shall be located at least 500 feet from the surface water of Lake Massabesic and 100 feet from any other surface water or private water supply.

(E) Minimum lot sizes shall be determined by slope and soil type and shall be in accordance with guidelines established by the Health Authority.

(F) The bottom of the proposed leaching bed shall be a minimum of four feet above any seasonal high water table.

(G) For each proposed lot a test pit shall be dug and a percolation test shall be conducted on the proposed site for the leaching bed.

(H) Building permits shall not be issued for any lot until the sewage disposal system design and location has been approved by the Health Authority.

(I) Sewage disposal systems shall not be installed wherever soil or environmental conditions are such that, in the judgment of the Health Authority, a public health nuisance will be created.

(J) Sewage disposal systems shall not be covered or placed in operation without final inspection and approval by the Health Authority.

('71 Code, § 21-74) (Ord. passed 6-6-78; Am. Ord. passed 9-4-01) Penalty, see § 10.99

### **§ 53.06 VARIANCE FROM PROVISIONS.**

Upon finding that strict enforcement of this chapter would cause undue hardship to the applicant and a

further finding that a variance would not be injurious to the public health, the Health Authority may authorize the issuance of a variance. The burden of proof is upon the applicant to show that the variance will not injure adjacent properties, will not conflict with the purpose of this chapter, and will not adversely affect the health of any person.

('71 Code, § 21-75) (Ord. passed 6-6-78)

#### **§ 53.07 CORRECTION OF FAILED ON-SITE SEWAGE DISPOSAL SYSTEMS.**

Whenever the Health Authority deems an on-site sewage disposal system to be in a state of failure, they may issue a written notice to the property owner or agent citing such condition, the corrective action to be taken and the time period within which such action is to be taken. It shall be unlawful for any person to fail to comply with the provisions of this chapter when so ordered by the Health Authority.

(Ord. passed 9-4-01) Penalty, see § 10.99